CA20N L95 -1986 I57





Workers' Compensation Appeals Tribunal Index to Section 15 W.C.A. Cases Tribunal d'appel des accidents du travail

Editor: Tribunal Counsel Office



LEGAL RESEARCH AND PUBLICATIONS DEPARTMENT

March 1986

Workers' Compensation Appeals Tribunal

Temporary address: 920 Yonge Street, Suite 200, Toronto, Ontario, M4W 3C7
Telephone: (416) 962-1600

Digitized by the Internet Archive in 2023 with funding from University of Toronto

SECTION 15

T	AB	NO.	INDEX

4

1 BOARD POLICY

W.C.B. B.C. Rehabilitation Services & Claims Manual

Ontario Claims Services Division Manual

Ontario W.C.B. Claims Adjudication Manual

2 SECTION 60 F.L.R.A.

Lewis v Low 45 O.R. (2d) 436

Butler Trucking and Brydges 46 O.R. (2d) 686

3 EXECUTIVE OFFICERS AND DIRECTORS

Berger v Willowdale A.M.C. et al (1983) 41 O.R. (2d) 89

CHARTER OF RIGHTS AND FREEDOMS AND CONSTITUTIONAL LAW

Ryan et al v Her Majesty

(Applicants statement of Fact and Law)

Gandi v Worker's Compensation Board (Applicant's Factum)

Piercey v General Bakers - Briefs

Terzian & Workmen's Compensation 148 D.L.R. (3d) 380

Anderson v Spaidal (1983) 6 W.W.R. 262

Budge v W.C.B. (L984) 12 C.C.R. 375 (Alta. Q.B.)

Farrell v Workmen's Compensation 1960 33 W.W.R. 433

6

7

NEGLIGENCE ACT

DiCarlo v DiSimone 39 O.R. (2d) 445

ISON: COMPENSATION LAW IN CANADA

GENERAL PRINCIPLES

Lewis v Low 45 O.R. (2d) 436

Nancollas v Insurance Officer Ball (1985) 1 All E.R. 833

Bond v McKee Harvester 23 B.C.L.R. 222

Rhodes v McKee Harvester 14 Alta. L.R. (2d) 352

Chase v Cleary 45 N.S.R. (2d) and 86 A.P.R. 652

Parrish v Moore et al (1980) B.C.L.R. 34, 109 D.L.R. (3d) 687

Gibb v Schroeder & Munroe 16 B.C.L.R. 169

Workmen's Compensation Board and Boissonneault 80 D.L.R. (3d) 33

Ishida et al v Itterman (1975) 2 W.W.R. 142

Workmen's Compensation Act & C.P.R. 2 D.L.R. (1950) 630

Desharnais v C.P.R. (1942) 4 D.L.R. 605

Betts v Worker's Compensation Board (1934) S.C.R. 107

Truman v Rudolph (1895) 22 O.A.R. 250

Murphy v Dowhaniuk 12 Admin L.R. 274

7

8

9

Workmen's Compensation Board v C.P.R. and Noell 3 D.L.R. (1952) 641

Rossignol v Hart 1956 S.C.R. 31 314

Mackenzie v G.T.P.R. 1926 1 D.L.R. 1

PROCEDURAL MATTERS

Rhodes v McKee Harvester
14 Alta L.R. (2d) 352

Desharnais v C.P.R. (1942) 4 D.L.R. 605

Murphy v Dowhaniuk
12 Admin L.R. 274

Budge v W.C.B. (unreported) Alta. C.A. October 1985

Doane v Groenenboom & Groenenboom (unreported) Alta C.A. February 1985

McLean v Bick & Craig's Construction (1976) 3 W.W.R. 286

Forget v Mack Truck 16 D.L.R. (3d) 384

Mac's Milk & W.C.B 15 O.R. (2d) 1977 508

Macintosh v Gzowski 1980 27 O.R. (2d) 151

Ling v Transamerica Commercial Corp. 1977 15 O.R. (2d) 134 1981 31 O.R. (2d) 32

ARISING OUT OF COURSE OF EMPLOYMENT

(a) ENTERING AND LEAVING EMPLOYER'S PREMISES

Scope of Employment Decision No. 256 (1977) 3 B.C. W.C.R. p.159

ARISING OUT OF THE COURSE OF EMPLOYMENT cont'd

Weaver v Tredegar Iron & Coal Co. Ltd. (1940) 3 All E.R. 157

His Majesty & W.C.B. of New Brunswick (1934) 8 M.P.R. 25

Re: Vance N.S. (1933) 1 D.L.R. 393

The Coverage of Workers' Compensation Decision No. 49 (1974) 1 B.C. W.C.R. p.210

Claim for Dependents Benefits
Decision No. 10 (1973) 1 B.C.W.C.R. p.45

Sir W. G. Armstrong et al v Redford (1920) A.C. And Privy Council 757

(b) RESIDENT EMPLOYEES

Scope of Employment
Decision No. 330 (1980) 5 B.C. W.C.R. p.88

Bunkhouses Decision No. 213 (1976) 3 B.C.W.C.R. p.35

The Coverage of Workers' Compensation Decision No. 49 (1974) 1 B.C.W.C.R. P.210

The Coverage of Workmen's Compensation Decision No. 39 (1974) 1 B.C.W.C.R. p.158

Workmen's Compensation Board v C.P.R. and Noell 3 D.L.R. (1952) 641

Cons Mining et al v Murdoch et al 1 D.L.R. (1929) 913

The Coverage of Workmen's Compensation Decision NO. 26 (1974) 1 B.C.W.R. p.109

W.C.B. v Rammell 31 D.L.R. (2d) 94



9

(c) TRAVELLING EMPLOYEES

Out of Province Injuries and Travelling to Work B.C. WCB Reporter Decision No. 360 (1982) 5 B.C.W.C.R. p.193

Hall & Marlow v Halifax 18 D.L.R. (2d) 115 N.S.

J.E. Morse & Co. Ltd. v Hicks & Zinck (1955) 3 D.L.R. 265

Ralph D'Souza unreported decision, B.C.W.C.B.

Gabumas v Pan American 108 N.Y.S. 2d 372

Davis v Newsweek Magazine 110 N.E. 2d 406

Lewis v Knappen Tippetts Abbett Engineering Co. Ltd. 108 N.E. 2d 601

Slaughter v State Accident or. App., 654 p.2d 1123

Epp v Midwestern Machinery Co. 208 N.W. (2d) 87

Injured Person
Decision No. 2 (1973) 1 B.C.W.C.R. p.7

Travelling Employees
Decision No. 214
(1976) 3 B.C.W.C.R. p.37



ARISING OUT OF COURSE OF EMPLOYMENT cont'd

(d) TRAVEL TO AND FROM WORK

Blee v London & North Eastern Railway

B.C. Coal Ltd. v United Mine Workers
9 Admin L.R. 100

Re: Vance

9

(1933) 1 D.L.R. 393

Martineau V G.T.P.R. (1926) 2 D.L.R. 859

Out of Province Injuries and Travelling to Work B.C. W.C.B. Reporter Decision No. 360 (1982) 5 B.C. W.C.R. p.193

W.C.B. v Boissonneault 80 D.L.R. (3d) 33

The Coverage of Workmen's Compensation Decision No. 26 (1974) 1 B.C.W.C.R. P.109

W.C.B. v Rammell 31 D.L.R. (2d) 94

Her Majesty v Malcolm MacCauley et al (1955) Exchequer Court of Canada 320

Bowers et al v Hollinger et al (1946) 4 D.L.R. 186

Weaver v Tredegar Iron & Coal Co. Ltd. (1940) 3 All E.R. 157

Hoar v Wallace et al (1938) O.R. 666

Dallas et al v Hinton & Home Oil (1938) 2 D.L.R. 673

Gibson v B.C. District Telegraph (1936) 4 D.L.R. 582

Edwards v Wingham (1913) 3 K.B. 596

Scope of Employment
Decision No. 330 (1980) 5 B.C. W.C.R. p.88



(e) ACTS OUTSIDE OF REGULAR DUTIES

Straka v Schneider (1975) 3 W.W.R. 441

Betts v Worker's Compensation Board (1934) S.C.R. 107

Scope of Employment
Decision 252 (1977) 3 B.C. W.C.R. p.147

Unauthorized Activities
Decision 230 (1977) 3 B.C. W.C.R. p.82

Battistoni v Thomas (1932) 1 D.L.R. 577

McMannamin v R. Chestnut & Sons (1917) 37 D.L.R. 302

Injured Person
Decision No. 2 (1973) 1 B.C. W.C.R. p.7

Hall & Marlow v Halifax
18 D.L.R. (2d) 115 N.S.

J.E. Morse & Co. Ltd. v Hicks & Zinck (1955) 3 D.L.R. 186

(f) GENERAL

Kuntz & W.C.B.

Dangenais & W.C.B.

51 O.R. (2d) 728

Re: Milton (1942) 2 D.L.R. 329

Cameron v Canadian Pacific (1918) 42 D.L.R. 27 N.B.

Morton v G.T.P. Branch Lines Co. (1917) 33 D.L.R. 27 N.B.

Scope of Employment
Decision No. 283 (1978) 4 B.C. W.C.R. p.55

Germaine Cyr v Hospital General Fleury Inc. 78 C.L.L.C. 241 (1977)



ARISING OUT OF COURSE OF EMPLOYMENT cont'd

(g) RECREATIONAL & SOCIAL ACTIVITIES

Scope of Employment W.C.B. Reporter Decision 343 (1981) 5 B.C. W.C.R. p.118

9

Scope of Employment and Sports Professionals Decision No. 292 (1979) 4 B.C. W.C.R. p.91

School Teachers & Scope of Employment Decision No. 273 (1978) 4 B.C. W.C.R. p.16

(h) MISCONDUCT OF EMPLOYEE OR CO-WORKER

Unauthorized Activities
Decision 230 (1977) 3 B.C. W.C.R. p.82

Lunch Breaks
Decision 209 (1976) 3 B.C. W.C.R. p.28

Martineau v G.T.P.R. (1926) D.L.R. 859

Grand Truck Pacific v Morreau 59 D.L.R. 458

Rudland v Smith (1971) 33 D.L.R. 536 N.S.

Doyle v Moirs Ltd. (1915) 22 D.L.R. 767 N.S.

Bridge v W.C.B.

(unreported) B.C.S.C. June 1985
(reasons for Judgment)

Regina v Industrial Injuries 2 Q.B. 1965 31

Claim for Dependents Benefits Decision No. 10 (1973) 1 B.C.W.C.R. p.45

His Majesty & W.C.B. of New Brunswick (1934) 8 M.P.R. 25



9 ARISING OUT OF COURSE OF EMPLOYMENT cont'd

(i) INJURY OUTSIDE OF PROVINCE

B.C. Coal Ltd. and Wrend et al 149 D.L.R. (3d) 659

(j) NORMAL WORKING HOURS

Germaine Cyr v Hospital General Fleury Inc. 78 C.L.L.C. 241 1977

Scope of Employment
Decision No. 283 (1978) 4 B.C. W.C.R. p.55

(k) LUNCHES AND BREAKS

School Teachers & Scope of Employment Decision No. 273 (1978) 4 B.C. W.C.R. p.16

Lunch Breaks
Decision 209 (1976) 3 B.C. W.C.R. p.28

Re: Vance (1933) 1 D.L.R. 393

Gibson v B.C. District Telegraph (1936) 4 D.L.R. 582

Sir W. G. Armstrong et al v Redford (1920) A.C. And Privy Council 757

Regina v Industrial Injuries 2 Q.B. 1965 31

DEFINITION OF WORKER

10

Workmen's Compensation Act & C.P.R. 2 D.L.R. (1950) 630



11 DEFINITION OF EMPLOYER

Peter v Yorkshire et al House of Lords (1926) A.C. 513

Alcyon Shipping Co. v O'Krane 27 D.L.R. (2d) 775

12 DEFINITION OF ACCIDENT

Kuntz v W.C.B.

Dangenais & W.C.B.

51 O.R. (2d) 728

Columbia Cellulos Co. Ltd. & Bartlett v Continental
Casualty
40 D.L.R. (2d) 297









